

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
	:
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Debtor.	:
	:
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PERTAINS TO THE FOLLOWING CASE:	:
	:
IRVING H. PICARD, Trustee for the Liquidation	:
of Bernard L. Madoff Investment Securities LLC,	:
	:
Plaintiff,	:
	:
-v-	:
	:
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	:
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,	:
ASCOT FUND LTD., GABRIEL CAPITAL	:
CORPORATION,	:
	:
Defendants.	:
	:
----- X	:

Adv. Proc. No. 08-01789 (SMB)  
SIPA LIQUIDATION  
(Substantively Consolidated)

Adv. Proc. No. 09-1182 (SMB)

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION  
IN LIMINE TO EXCLUDE OTHERS' PURPORTED SUSPICIONS  
ABOUT MADOFF NOT EXPRESSED TO DEFENDANTS**

Upon consideration of the Notice of Defendants' Motion *In Limine* to Exclude Others' Purported Suspicions About Madoff Not Expressed to Defendants, ECF No. \_\_\_\_, filed by Defendants J. Ezra Merkin, Gabriel Capital Corporation, Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Ascot Fund Limited (collectively, "Defendants"), (the "Motion"), Defendants' Memorandum of Law in Support of Their Motion *in Limine* to Exclude Others' Purported Suspicions About Madoff Not Expressed to Defendants, ECF No. \_\_\_\_, the Declaration of Judith A. Archer in Support of Defendants' Motion *in Limine* to Exclude Others' Purported Suspicions About Madoff Not Expressed to Defendants, dated April 7, 2017, with

exhibits, ECF No. \_\_\_\_; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on \_\_\_\_\_ (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case, **IT IS HEREBY:**

**ORDERED**, that the Trustee may not introduce testimonial or documentary evidence of witnesses’ purported suspicions about Madoff not expressed to Defendants during trial in the above-captioned adversary proceeding; and it is further

**ORDERED**, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE